

FILED

OCT 18 2013

Joe Aiello
Sangamon County Clerk

RESOLUTION NUMBER 13-1

RECEIVED

OCT 18 2013

GRANTING A VARIANCE OF CHAPTER 16.72 Paul Palazzolo
“DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS” SANGAMON COUNTY AUDITOR
FOR CERTAIN PROPERTY LOCATED AT
304 W. Browning Road, Springfield, IL

WHEREAS, the Public Health, Safety and Zoning Committee of the Sangamon County Board has presented to the Sangamon County Board, Sangamon County, Illinois Findings of Fact and Recommendation that the Sangamon County Board **grant a variance to the Sangamon County Flood Ordinance** with respect to the following property, to-wit:

See Exhibit A.

WHEREAS, the petitioner, **John Staff**, has petitioned the Sangamon County Board for a **variance of Section 16.72.130 “Protected Buildings” to allow an addition to an existing building to be constructed eight (8) inches below the flood protection elevation;** and

WHEREAS, the Executive Director of the Springfield-Sangamon County Regional Planning Commission has presented to the Sangamon County Board of Sangamon County Findings of Fact and Recommendation that the Sangamon County Board approve the variance based on the findings in Exhibit B; and

WHEREAS, the Public Health, Solid Waste and Zoning Committee reviewed the staff recommendation at the meeting of the Public Health, Solid Waste and Zoning Committee on **October 17, 2013** and concurs with the Findings of Fact and Recommendation in Exhibit B; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Public Health, Solid Waste and Zoning Committee.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session this **12th day of November, 2013 that the request for a variance of Section**

16.72.130 "Protected Buildings" to allow the construction of an addition to an existing building eight (8) inches below the flood protection elevation on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session this 12th day of

November, 2013.

Respectfully submitted,
PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



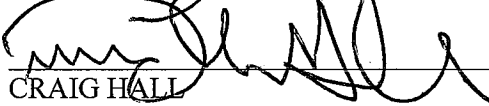
GREG STUMPF, CHAIRMAN



DAVID MENDENHALL, VICE CHAIRMAN

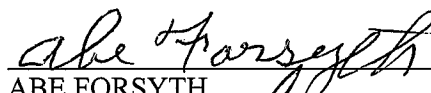
JOHN FULGENZI

LINDA FULGENZI



CRAIG HALL

SAM SNELL



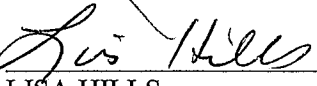
ABE FORSYTH



JASON RATTIS



LINDA DOUGLAS WILLIAMS



LISA HILLS



MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

Beginning at a point 1155.64 feet East of a plate at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 16, Township 16 North, Range 5 West of the Third Principal Meridian, thence due East along the Quarter Section line 176.80 feet to a set iron pin; thence due South 383.71 feet to a set iron pin; thence due West 385.57 feet to a set iron pin; thence due North 175 feet to a pipe; thence due East 208.71 feet to a pipe, thence North 208.71 feet to a pipe at the point of beginning.

All except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

All situated in the County of Sangamon, State of Illinois.

Commonly known as: **304 W. Browning Road, Springfield, IL 62707**

Permanent Index No.: 14-16-400-034

EXHIBIT B

**STANDARDS FOR VARIATION OF FLOODPLAIN ORDINANCE
SECTION 16.72.150**

- (i) The development activity cannot be located outside the floodplain.
The property contains two (2) buildings. The southern-most building is located in the floodplain. The footprint of this building will not be increased. A portion of the building on the north is also located in the floodplain. The owner seeks to construct an addition attached to the building on the north running westerly. The owner also proposes addition of a surface parking area on the north side of the buildings. The improvements are being made to the property to accommodate the relocation of the owner's business and maximize the use of the property. The proposed additional building will have a first floor elevation of 536.84'. While this is above the base flood elevation of 536.5', it is below the flood protection elevation required by the flood ordinance.
- (ii) An exceptional hardship would result if the variance were not granted.
In general, any hardship related to construction in the floodplain is considered to be self-imposed. However, given that the buildings were constructed a number of years ago and that the location of the floodplain was altered due to construction of Veteran's Parkway, there would be a hardship if the variance were not granted and the owner were required to construct the buildings at or above the flood protection level of 537.5' The owner is in the process of acquiring additional land to increase the floodplain storage on the property. Prior to commencing with that development, an engineering study will be completed and a floodplain development permit application submitted for review and approval. The owner will also submit a Letter of Map Amendment to FEMA requesting that the entire property be removed from the designated floodplain.
- (iii) The relief requested is the minimum necessary.
The relief requested the difference between the flood protection elevation of 537.5' and the elevation of the slabs at 536.84'.
- (iv) There will be no additional threat to public health or safety or creation of a nuisance.
No.
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
No.
- (vi) The provisions of subsection 16.72.050(c) shall be met.
The property is not in the floodway and therefore the project would not require a permit from the Illinois Department of Natural Resources, Office of Water Resources. This information was verified with the Illinois Department of Natural Resources.
- (vii) The provisions of subsection 16.72.120 are met.
It would appear that the requested variance would not have an impact on other property.

- (viii) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the National Flood Insurance Program.

There is a concern that this would establish a pattern inconsistent with the intent of the National Flood Insurance Program which puts a high priority on protecting buildings from flooding. However, it appears that the owner has taken appropriate measures through the addition of detention to mitigate drainage issues associated with the site. The owner has been informed about the requirements to obtain flood insurance and that the property may be subject to such regulations. The owner also acknowledges that action taken by the County Board to grant a variance to the county's regulations does not remove or alter the necessity to comply with all applicable state and federal regulations.